

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Paul Andrus and Ronald Berresford, individually and as representatives of a class of similarly situated persons, and on behalf of the New York Life Agents Progress-Sharing Investment Plan and the New York Life Insurance Company Employee Progress-Sharing Investment Plan,

Plaintiffs,

v.

New York Life Insurance Company, New York Life Investment Management LLC, New York Life Investment Management Holdings LLC, Cornerstone Capital Management Holdings LLC, Cornerstone Capital Management LLC, Board of Trustees of the New York Life Agents Progress-Sharing Investment Plan, Board of Trustees of the New York Life Insurance Company Employee Progress-Sharing Plan, Maria J. Mauceri, Barry A Schub, John Y. Kim, Arthur H. Seter, Drew E. Lawton, Michael M. Oleske, Robert J. Hynes, and Johns Does 1–30,

Defendants.

Case No. 1:16-cv-05698-KPF

**NOTICE OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Please take notice that, upon the accompanying Memorandum of Law, the Declarations of Kai Richter, Paul Andrus, and Ronald Berresford (and the exhibits to those Declarations), and all files records and proceedings in this matter, Plaintiffs will move this Court, before the Honorable Katherine Polk Failla, at the United States Courthouse located at 40 Foley Square, pursuant to Federal Rule of Civil Procedure 23, for an order (1) preliminarily approving the parties' Class Action Settlement Agreement

(which is attached as Exhibit 1 to the Declaration of Kai Richter); (2) approving the proposed Settlement Notices and authorizing distribution of the Notices; (3) certifying the proposed Settlement Class; (4) designating Plaintiffs as Class Representatives; (5) designating Plaintiffs' counsel as Class Counsel; and (6) scheduling a final approval hearing. A proposed Preliminary Approval Order is being submitted in connection with this motion and is also attached as an exhibit to the Settlement Agreement. **This motion is not opposed by Defendants as parties to the Settlement Agreement.**

Dated: February 14, 2017

NICHOLS KASTER, PLLP

/s/ Kai H. Richter

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